



Signed and Filed: August 24, 2021

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: ) Bankruptcy Case  
PG&E CORPORATION, ) No. 19-30088-DM  
- and - ) Chapter 11  
PACIFIC GAS AND ELECTRIC COMPANY, ) Jointly Administered  
Reorganized Debtors. )  
☐ Affects PG&E Corporation )  
☐ Affects Pacific Gas and )  
Electric Company )  
☒ Affects both Debtors )  
\* All papers shall be filed in )  
the Lead Case, No. 19-30088 (DM). )

**ORDER COMPELLING PRICEWATERHOUSECOOPERS LLP'S COMPLIANCE**  
**WITH RULE 2004 SUBPOENA IN RELATION TO**  
**THE GENERAL RATE CASE DOCUMENTS**

The Court has considered the letter briefs dated August 19, 2021, from counsel for the Fire Victim Trust and PricewaterhouseCoopers LLP ("PwC") (Dkt. Nos. 11109 and 11133). It has also reviewed the definition of Assigned Rights and Causes of Action (Confirmed Plan ¶ 1.8) and the broad reach of Fed. R. Bankr. P. 2004(b) ("... the acts, conduct, or

1 property, or to the liabilities and financial condition of the  
2 debtor, or to any matter which may affect the administration of  
3 the debtor's estate . . . .")

4 The court disagrees with PwC's counsel's contention that  
5 the Trustee should not be allowed to obtain information unless  
6 relating in any way to "causation" of the wildfires. If, at the  
7 end of the day, PwC has no culpability or exposure because of  
8 the lack of causation, it might have no liability. But until  
9 then, the Court is not persuaded by the "you won't find anything  
10 so I don't have to give it to you" position being asserted.

11 It is worth noting that PwC's counsel letter stresses that  
12 "almost" all of PwC's work was conducted on equipment owned by  
13 Debtors. Again, that the management consulting work "consisted  
14 primarily of meeting with PG&E personnel, etc." Later he states  
15 that the work product "consists primarily" of PG&E documents.

16 These excerpts, even taken in context, invite further  
17 examination by the Trustee. If there is nothing gleaned of  
18 value, PwC has nothing to worry about other than the  
19 inconvenience and cost of having to comply with this discovery.

20 Another safeguard the Court expects counsel on both sides  
21 to keep in mind is as set forth in footnote 4 to the Trustee's  
22 counsel's August 19 letter. The operative deadlines set forth  
23 below should commence after PwC has produced the list of  
24 contracts to be provided and thereafter counsel have met and  
25 conferred as to which of those contracts relate to the General  
26 Rate Case and must be produced in accordance with this order.

27 1. Within twenty-one (21) days of the meet and confer  
28 following the production of the list referred to in Dkt. No.

1 11109 at footnote 4, unless otherwise agreed by the Trustee and  
2 to the extent such materials have not already been produced by  
3 PwC, PwC shall produce to the Trustee all documents and  
4 information described at No. 5 of the Trustee's status report of  
5 August 2, 2021: PwC's deliverables relating to the General Rate  
6 Case, meaning PwC's work product generated in connection with  
7 that engagement, including advice, recommendations, analysis,  
8 and/or reports to PG&E, during the time period 2013 through  
9 March 17, 2020.

10 2. In the event that PwC withholds any of the above-  
11 described documents based on a claim of attorney-client  
12 privilege, work-product protection, or any other privilege,  
13 whether such privilege is asserted by PG&E or PwC, PwC shall  
14 provide a privilege log to the Trustee within seven (7) days  
15 after the time set forth in paragraph 1 above, unless otherwise  
16 agreed by the Trustee, identifying, as demanded by the subpoena:  
17 (a) the type, title and subject matter of the Document; (b) the  
18 place, date, and manner of preparation of the Document; (c) all  
19 authors, addressees, and recipients of the Document, including  
20 information about such persons to assess the privilege asserted;  
21 and (d) the legal privilege(s) and the factual basis for the  
22 claim.

23 3. This Order is without prejudice to the Trustee's right  
24 to seek additional examinations or documents pursuant to  
25 Bankruptcy Rule 2004 or any other applicable law.

26 **\*\*END OF ORDER\*\***  
27  
28

COURT SERVICE LIST

ECF Recipients